

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CIVIL NO. 5:98CV92

JAMES R. BARNES, and wife)
DOROTHY G. BARNES; GRADY H.)
BEARD, and wife SUZY M. BEARD;)
WAYNE BEHELER; JAMES L. COBB,)
and wife REBEKAH COBB;)
BARNEY MERRILL GRANT, and wife)
HAZEL GRANT; E. F. GREENE, JR.;)
BENJAMIN G. GROGAN, and wife)
HELEN D. GROGAN; JOEANN S.)
HANCOCK, Individually and as)
Representative of the Estate of)
Marion Hancock, Deceased; JERRY)
LEE HEWELL, and wife JANICE)
HEWELL; BETTY S. HONGISTO,)
Executrix of the Estate of Iver Oscar)
Hongisto, Deceased; VIRGINIA F.)
HORNE, Individually and as)
Executrix of the Estate of Jimmy R.)
Horne, Sr., Deceased; WILLIAM D.)
JOYCE, and wife PATSY F. JOYCE;)
ROBERT L. MAUNNEY, and wife)
TERESA MAUNNEY; ROGER D.)
PHILLIPS; GERALD W. RICHARDS,)
and wife SUSAN H. RICHARDS;)
LARRY K. BROOME, and wife,)
TREVA E. BROOME; ROGER D.)
CHURCH, and wife LORETTA H.)
CHURCH; SHARON C. COBB,)
Executrix of the Estate of Orvil L.)
Cupp, Deceased; ALTON L. HUGHES,)
and wife LENA M. HUGHES;)
CHARLES M. McGINNIS, and wife)

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| AVA P. McGINNIS; and CURTIS H. |) | |
| CUTHBERTSON, Administrator of the |) | |
| Estate of Hoy v. Cuthbertson, |) | |
| Deceased, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| Vs. |) | <u>ORDER</u> |
| |) | |
| A. W. CHESTERTON, INC.; CLEAVER |) | |
| BROOKS; CROWN CORK & SEAL |) | |
| COMPANY, INC.; FOSTER WHEELER |) | |
| CORPORATION; GARLOCK, INC.; |) | |
| GEORGIA-PACIFIC CORPORATION; |) | |
| MINNESOTA MINING AND |) | |
| MANUFACTURING COMPANY, |) | |
| INC.; NORTH BROTHERS, INC.; |) | |
| OWENS-ILLINOIS, INC.; RAPID |) | |
| AMERICAN CORPORATION; RILEY |) | |
| STOKER CORPORATION; and |) | |
| CBS CORP., |) | |
| |) | |
| Defendants. |) | |
| |) | |

THIS MATTER is before the Court on receipt of the parties' responses to the Court's December 15, 2006, Order.

In October 2006, the cases of Plaintiffs Betty Hongisto, Executrix of the Estate of Iver Hongisto, Deceased, and Alton L. Hughes, and wife Lena M. Hughes, were placed on an asbestos trial calendar. Before trial, Plaintiffs' counsel advised that the claims of these Plaintiffs were settled

and no trial was necessary. In response to the Court's December 15, 2006, Order, Plaintiffs' counsel advises that "releases, settlement funds and/or proposed motions to dismiss" have not been received from some of the Defendants involved with these Plaintiffs. **Plaintiffs' Response, filed December 22, 2006, at 2.** Additionally, Plaintiffs' counsel advises that the claims of all Plaintiffs have been settled as to Defendants Georgia Pacific Corporation, 3M Company, Riley Stoker Corporation, and CBS Corporation, but no "releases, settlement funds and/or proposed motions to dismiss" have been received from these Defendants to date. ***Id. at 3.***

IT IS, THEREFORE, ORDERED that the Defendants listed above, as well as those sued by the Plaintiffs Hongisto and Hughes, take immediate action to complete settlement of the claims herein on or before 30 days from entry of this Order or these Defendants will be added to the trial calendar for the April 2007 term.

IT IS FURTHER ORDERED that Plaintiffs' counsel advise the Court after the 30-day period has expired of any remaining Plaintiffs whose claims remain unresolved as outlined herein so that the April 2007 trial calendar may be adjusted accordingly.

Signed: January 12, 2007



Lacy H. Thornburg
United States District Judge

